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EXAMINER	
DODDS, HAROLD E	

ART UNIT	PAPER NUMBER
2168	

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/614,736	HARIK, GEORGES R.	
	Examiner	Art Unit	
	Harold E. Dodds, Jr.	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 August 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 6-8, 10-16, 23, 28, 33-35, and 37-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Guheen et al. (U.S. Patent No. 6,519,591).

3. Guheen anticipates independent claim 1 by the following:

"...accepting a search query..." at col. 238, lines 60-62.

"...searching a searchable data structure..." at col. 54, lines 66-67, col. 55, lines 1-3, and col. 30, lines 55-59.

"...including advertiser Web page information..." at col. 189, lines 28-31 and col. 207, lines 44-45.

"...accepting search results..." at col. 192, lines 43-45 and col. 260, line 6.

"...retrieving at least one advertisement..." at col. 193, lines 65-67, col. 194, lines 1-15, and col. 189, lines 28-31.

"...using at least a portion of the accepted search results..." at col. 257, lines 40-44 and col. 260, line 6.

4. As per independent claim 23, the "...query processor...," is taught by Guheen at col. 79, lines 54-56,

the "...first index including information derived from Web pages of the World Wide Web...," is taught by Guheen at col. 80, lines 18-21, col. 175, lines 27-36, col. 207, lines 44-55, and 182, lines 12-14,

and the "...second index including information derived exclusively from Web pages of advertisers...," is taught by Guheen at col. 80, lines 18-21, col. 207, lines 44-55, and col. 189, lines 28-31.

5. As per independent claim 28, the "...input for accepting a search query...," is taught by Guheen at col. 30, lines 31-32 and col. 238, lines 60-62,

the "...means for searching a searchable data structure...," is taught by Guheen at col. 54, lines 66-67, col. 55, lines 1-3, and col. 30, lines 55-59,

the "...including advertiser Web page information...," is taught by Guheen at col. 189, lines 28-31 and col. 207, lines 44-45,

the "...to generate search results...," is taught by Guheen at col. 249, lines 64-67, col. 250, lines 1-2, and col. 260, line 6,

the "...means for retrieving at least one advertisement...," is taught by Guheen at col. 193, lines 65-67, col. 194, lines 1-15, and col. 189, lines 28-31,

and the "...using at least a portion of the accepted search results...," is taught by Guheen at col. 257, lines 40-44 and col. 260, line 6.

6. As per claims 6 and 33, the "...at least one advertisement is retrieved...," is taught by Guheen at col. 189, lines 28-31, col. 193, lines 65-67, and col. 194, lines 1-15,

the "...from a set of advertiser information...," is taught by Guheen at col. 177, lines 61-62 and col. 189, lines 28-31,

the "...set of advertiser information...," is taught by Guheen at col. 177, lines 61-62 and col. 189, lines 28-31,

the "...including information identifying advertiser Web pages...," is taught by Guheen at col. 31, lines 16-18, col. 177, lines 61-62, and col. 207, lines 44-45,

the "...and wherein the searchable data structure...," is taught by Guheen at col. 54, lines 66-67, col. 55, lines 1-3, and col. 30, lines 55-59,

the "...including advertiser Web page information...," is taught by Guheen at col. 177, lines 61-62 and col. 207, lines 44-45,

the "...includes information extracted exclusively...," is taught by Guheen at col. 128, lines 43-44 and col. 203, lines 26-31,

and the "...from the identified advertiser Web pages...," is taught by Guheen at col. 31, lines 16-18, col. 177, lines 61-62, and col. 207, lines 44-45.

7. As per claims 7 and 34, the "...each of the search results have a score...," is taught by Guheen at col. 260, line 6 and col. 221, lines 48-51.

8. As per claims 8 and 35, the "...scoring, using at least the search result scores...," is taught by Guheen at col. 221, lines 48-49 and col. 260, lines 6

and the "...at least some of the retrieved at least one advertisement...," is taught by Guheen at col. 193, lines 65-67, col. 194, lines 1-15, and col. 189, lines 28-31.

9. As per claims 10 and 37, the "...searchable data structure includes entries...," is taught by Guheen at col. 54, lines 66-67, col. 55, lines 1-3, col. 30, lines 16-18, and col. 195, line 22,

the "...each entry including a term...," is taught by Guheen at col. 195, line 22 and col. 168, lines 7-10,

the "...and one or more Web page identifiers...," is taught by Guheen at col. 207, lines 44-45 and col. 13, lines 16-18,

the "...and wherein the act of retrieving at least one advertisement...," is taught by Guheen at col. 193, lines 65-67, col. 194, lines 1-15, and col. 189, lines 28-31,

the "...using at least a portion of the accepted search results...," is taught by Guheen at col. 215, lines 40-44, col. 192, lines 43-45, and col. 260, line 6,

and the "...uses Web page identifiers included in the search results...," is taught by Guheen at col. 207, lines 44-45, col. 13, lines 16-18, and col. 260, line 6.

10. As per claims 11 and 38, the "...Web page identifiers...," is taught by Guheen at col. 207, lines 44-45 and col. 13, lines 16-18

and the "...are used as lookup keys to a database of advertisement information...," is taught by Guheen at col. 96, lines 41-44, col. 97, lines 15-16, and col. 189, lines 28-31.

11. As per claims 12 and 39, the "...at least one advertisement is not one of the accepted search results...," is taught by Guheen at col. 189, lines 28-31, col. 86, lines 55-56, and col. 206, line 6.

For claims 12 and 39, the term "rejected" is used to suggest the term "not accepted".

12. As per claims 13 and 40, the "...act of retrieving at least one advertisement...," is taught by Guheen at col. 193, lines 65-67, col. 194, lines 1-15, and col. 189, lines 28-31,

the "...is performed without consideration...," is taught by Guheen at col. 227, lines 3-5, and the "...of expressly entered targeting information...," is taught by Guheen at col. 59, lines 38-40 and col. 11, lines 51-57.

13. As per claims 14 and 41, the "...act of retrieving at least one advertisement...," is taught by Guheen at col. 193, lines 65-67, col. 194, lines 1-15, and col. 189, lines 28-31,

the "...is performed without consideration...," is taught by Guheen at col. 227, lines 3-5, and the "...of keyword targeting information...," is taught by Guheen at col. 180, lines 33-35 and col. 11, lines 51-57.

14. As per claims 15 and 42, the "...generating a document...," is taught by Guheen at col. 284, lines 4-40,

the "...including (1) search results determined using the search query...," is taught by Guheen at col. 260, line 6 and col. 79, lines 54-56,

the "...and a second searchable data structure...," is taught by Guheen at col. 54, lines 66-67, col. 55, lines 1-3, and col. 30, lines 55-59,

and the "...and (2) the at least one advertisement...," is taught by Guheen at col. 189, lines 28-31.

15. As per claims 16 and 43, the "...format of each of the search results...," is taught by Guheen at col. 177, lines 10-13 and col. 260, line 6

and the "...is different from a format of each of the at least one advertisement...," is taught by Guheen at col. 70, lines 3-6 and col. 189, lines 28-31.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

17. Claims 2-5 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guheen as applied to the claims above, and further in view of Li (U.S. Patent No. 6,480,843).

As per claims 2 and 29, the "...searchable data structure...," is taught by Guheen at col. 54, lines 66-67, col. 55, lines 1-3, and col. 30, lines 55-59,

but the "...is an inverted index...," is not taught by Guheen.

However, Li teaches the use of inverted indexes as follows:

"...The indices are illustrated in FIG. 2. Note that the table in FIG. 2(b) is an inverted index of the table in FIG. 2(a). In FIG. 2, the indices are shown as tables for ease of explanation..." at col. 6, lines 30-34.

It would have been obvious to one of ordinary skill at the time of the invention to combine Li with Guheen to use inverted indexes in order to process queries more rapidly and gain acceptance from potential users. Guheen and Li have similar

applications and use similar technologies. They teach the use of computers, the use of databases, the use of networks, the use of documents, the use of indexes, the use of documents, the use of queries, the use of the World Wide Web, the obtaining of search results, and the ranking of search results. Guheen provides queries, data structures, web pages, and advertisers and Li provides inverted indexes.

18. As per claims 3 and 30, the "...inverted index includes entries...," is taught by Li at col. 6, lines 30-34 and col. 7, lines 30-35,

the "...each entry including a term...," is taught by Guheen at col. 195, line 22 and col. 168, lines 7-10,

and the "...and one or more Web page identifiers...," is taught by Guheen at col. 207, lines 44-45 and col. 13, lines 16-18.

19. As per claims 4 and 31, the "...inverted index includes entries...," is taught by Li at col. 6, lines 30-34 and col. 7, lines 30-35,

the "...each entry including a term and one or more pairs...," is taught by Guheen at col. 195, line 22, col. 168, lines 7-10, and col. 182, lines 4-11,

the "...each pair including a Web page identifier...," is taught by Guheen at col. 182, lines 4-11, col. 207, lines 44-45 and col. 13, lines 16-18,

and the "...and a term count...," is taught by Li at col. 6, lines 65-67 and col. 12, line 13.

20. As per claims 5 and 32, the "...inverted index includes entries...," is taught by Li at col. 6, lines 30-34 and col. 7, lines 30-35,

the "...each entry including a term...," is taught by Guheen at col. 195, line 22 and col. 168, lines 7-10,

the "...extracted from advertiser Web pages...," is taught by Guheen at col. 117, lines 22-24, col. 117, lines 61-62, and col. 207, lines 44-45,

the "...and one or more Web page identifiers...," is taught by Guheen at col. 207, lines 44-45 and col. 31, lines 16-18,

the "...that identifier advertiser Web page...," is taught by Guheen at col. 31, lines 16-18, col. 117, lines 61-65, and col. 207, lines 44-45,

and the "...in which the term appears...," is taught by Guheen at col. 168, lines 7-10.

21. Claims 9 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guheen as applied to claims 7 and 34 above respectively, and further in view of Peckover (U.S. Patent No. 6,119,101).

As per claims 9 and 26, the "...scoring, using at least the search result scores...," is taught by Guheen at col. 221, lines 48-51 and col. 260, line 6,

the "...advertiser quality information...," is taught by Guheen at col. 189, lines 37-40 and col. 191, lines 51-53,

the "...and user information...," is taught by Guheen at col. 192, lines 63-64,

the "...at least some of the retrieved at least one advertisement...," is taught by Guheen at col. 193, lines 65-67, col. 194, lines 1-15, and col. 189, lines 28-31,

but the "...and further using at least one of ad performance information...,"

and the "...ad price information...," is not taught by Guheen.

However Peckover teaches the use of ad performance information and ad price information as follows:

"...The Ad is (during its effective datetime) available to be matched by consumers' Decision Agents 14 performing decision searches..." at col. 38, lines 28-30.

"...A Price component 202 states the price at which the product is offered (for selling) or requested (for buying). Price 202 may also be a price range, especially for buy ads...," at col. 27, lines 13-15.

It would have been obvious to one of ordinary skill at the time of the invention to combine Peckover with Guheen to use ad performance information in order to determine the effectiveness of the ads and provide feedback to potential advertisers. Likewise, it would have been obvious to one of ordinary skill at the time of the invention to combine Peckover with Guheen to provide ad price information in order to allow potential customers to obtain information on the cost of products for sale and gain better acceptance from potential customers for the use of the system. Guheen and Peckover have similar applications and use similar technologies. They teach the use of computers, the use of databases, the use of networks, the use of documents, the use of indexes, the use of documents, the use of queries, the use of the World Wide Web, the use of web pages, the use of advertisers, the obtaining of search results, and the ranking of search results. Guheen provides queries, data structures, web pages, and advertisers and Peckover provides ad performance information and ad price information.

Response to Arguments

22. Applicant's arguments filed 12 August 2005 have been fully considered but they are not persuasive. In the first argument on the election/restriction on page 11, paragraph 3 and page 12, paragraph 1 the Applicant states:

"The Examiner made the earlier restriction requirement final. However, the Examiner did not address the applicant's traversal on the basis of 37 C.F.R. § 1.141(b). As stated in the election:
[E]ven if the Examiner properly grouped the claims, he did not show that the claims of groups II and III are distinct. Rule 1.141(b) provides that where claims to a product (e.g., a data structure), a process for making, and a process of use are present, a three-way restriction is only proper if the process of making (group III) and. The product (group II) are distinct. The Examiner has not alleged that the claims of these groups are distinct. Therefore, the process of using (group I) is to be joined with the product and process of making even if the Examiner has shown distinctness between the product and process of using. (See MPEP 806.05(i).)"

The Examiner disagrees. Group II belongs to class 707, subclass 100 drawn to database schema or structure and group III belongs to class 707, subclass 102 drawn to the building of a searchable data structure. The USPTO in defining these two subclasses as separate classes has recognized that claims defining database structures and claims defining the building of database structures may be subject to selection. By showing that claims in groups II and III fall in separate subclasses the Examiner has indicated that the claims in these groups are distinct.

23. In the second argument for independent claims 1 and 28 on page 15, paragraph 4 and page 16, paragraph 1 the Applicant states:

"Having introduced the Guheen patent, the applicant will now discuss at least some of the patentable features of the claimed invention. Before doing so, however, since the Examiner's 102-based rejections combine distinct sections of the Guheen patent, the applicant would like to inform (or at least remind) the Examiner of applicable case law. The Court of Appeals for the Federal Circuit ("the CAFC") has instructed that to anticipate, a single prior art reference must "describe all of the elements of the claims, ***arranged as in the [claim]***." (Emphasis added.) C.R. Bard Inc. v. M3 Systems, Inc., 48 U.S.P.Q.2d 1225, 1230 (Fed. Cir. 1998), cert. denied, 119 S. Ct. 1804 (1999). This is in accord with previous Court of Claims and Patent Appeals ("the CCPA") decisions. For example, the CCPA has instructed that to anticipate:
[the] reference must clearly and unequivocally disclose the claimed [invention] or direct those skilled in the art to the [claimed invention] ***without any need for picking, choosing and combining various disclosures not directly related to each other*** by the teachings of the cited reference. [Emphasis added.]

In re Arkley, 172 U.S.P.Q. 524, 526 (CCPA 1972).

The Examiner disagrees. The disclosures selected demonstrate that the Guheen patent anticipates independent claims 1 and 28, they show all the elements of the claims, and that they are directly related is shown in the responses to the specific arguments that follow.

24. In the third argument for independent claims 1 and 28 on page 16, paragraph 2 and page 17, paragraph 1 the Applicant states:

"Independent claims 1 and 28 are not anticipated by the Guheen patent at least because the Guheen patent does not teach an act of (or means for) retrieving at least one advertisement using at least a portion of accepted search results. The Examiner parsed this element into "retrieving at least one advertisement" and "using at least a portion of the accepted search results." In particular, as discussed above, the Examiner cites column 189, line 28-31, column 193, lines 65-67 and column 194, lines 1-15 as teaching an act of retrieving at least one advertisement. Although the cited section of column 189 does concern displaying advertisements, the cited sections of columns 193 and 194 merely concern allowing customers to order and purchase articles from remote location, and to pickup the purchased articles at stores. The Examiner then cites column 1.92, lines 43-45, column 215, lines 40-44 and column 260, line 6 as using at least a portion of accepted search results [to retrieve at least one advertisement]. The cited section of column 192 concerns allowing individual users to control the amount of electronic advertising they receive with electronic content since some users will accept receiving such advertisements while other users will be opposed to receiving such advertisements. The applicant respectfully submits that this has nothing to do with using at least a portion of search results to retrieve at least one advertisement. The cited section of column 215 concerns; storing and broadcasting electronic content. The applicant respectfully submits that this has nothing to do with using at least a portion of search results to retrieve at least one advertisement. Finally, the cited section of column 260 concerns providing a table of query results in the context of locating channel partners or educational centers. The applicant respectfully submits that this has nothing to do with using at least a portion of search results to retrieve at least one advertisement."

The Examiner disagrees. Independent claims 1 and 28 are very general and may be anticipated by a wide range of prior art. The Guheen anticipates the fourth limitation of independent claim 1, which states "retrieving at least one advertisement" at col. 193,

lines 65-67, col. 194, lines 1-15, and col. 189, lines 28-31 and "using at least a portion of the accepted search results" at col. 257, lines 40-44 and col. 260, line 6. Guheen teaches this limitation as follows:

"...In accordance with the above, the present invention may provide a quick-stop mass retail system for ordering and purchasing articles from a remote location for pickup at an article pickup area at an automated store, comprising: an interactive system for communicating a customer's purchase order for at least one article; a host computer including provisions for receiving the customer's purchase order; processing the customer's purchase order; and storing the customer's purchase order in a database; a system for retrieving the article ordered by the customer from a storage location for the article at the automated store, the host computer communicating with the system for retrieving; a system for **retrieving identification information** from the customer, the system for retrieving identification information communicating with the host computer, whereby the host computer enables the system for retrieving the article to provide the article to the article pickup area upon obtaining the identification information and comparing the identification with the customer's purchase order..." at col. 193, lines 65-67 and col. 194, lines 1-15.

"...Along with the items being displayed for purchase, or on a subsequent page or pages, **advertisement information** which relates to at least one of the items displayed for purchase are displayed in operation 1903..." at col. 189, lines 28-31.

In both these selections, the Guheen patent is discussing the purchasing of items on the web. In the first selection, Guheen is retrieving information concerning the buyer of the item and in the second selection Guheen is disclosing advertising information related to items for purchase. These two selections might be combined for the retrieving of advertising information related to items available for purchase on the web. Likewise, Guheen teaches the second portion of this limitation as follows:

"...Data delivery means may include electronic data storage means such as optical disks for delivering **one portion** of said

information and broadcasting and/or telecommunicating means for other portions of said information..." at col. 257, lines 47-50.

"...Displays table of **query results**..." at col. 260, line 6.

The optical disks are a means of delivering a portion of data from a database and the query results are the data obtained from a query on a database. This is directly related to the potential retrieval of advertising information from items available for purchase on the web.

25. In the fourth argument for claims 6-8, 10-16, 33-35, and 37-43 on page 17, paragraph 2 and page 18 paragraph 1 the Applicant states:

"Since claims 6-8 and 10-16 depend, either directly or indirectly from claim 1, and since claims 33-35 and 37-43 depend, either directly or indirectly from claim 28, these claims are similarly allowable."

The Examiner disagrees. Since the responses to the first two arguments have shown that independent claims 1 and 28 are anticipated by Guheen, that claims 7, 8, 12, 15, and 16 depend on independent claim 1, claims 34, 35, 39, 42, and 43 depend on independent claim 28, and no additional arguments have been provided for any of these claims then claims 7, 8, 12, 14, 15, 34, 35, and 38-43 are anticipated by Guheen. The Applicant provides further arguments for claims 6, 10, 11, 13, 14, 33, 37, 38, 40, and 41, which will be addressed in the next two sections.

26. In the fifth argument for claims 6 and 33 on page 18, paragraph 2 the Applicant states:

"The Examiner again parses this recitation, and contends, in pertinent part, that this feature is described at column 117, lines 22-24 and column 203, lines 26-31 of the Guheen patent. The cited section column 117 of the Guheen patent merely discusses an extraction tool, for allowing software developers to reuse selected portions of a legacy system. The applicant frankly fails to see how this has anything to do with

retrieving advertisements, let alone the use of information extracted exclusively from the identified advertiser Web pages (other than the fact that it includes a form of the word "extract" used in an entirely unrelated context). The cited section of column 203 of the Guheen patent merely discusses characteristics properties of fixed income securities such as U.S. treasuries. The applicant frankly fails to see how this has anything to do with retrieving advertisements, let alone the use of information extracted exclusively from the identified advertiser Web pages (other than the fact that it includes a form of the word "exclusive" used in an entirely unrelated context)."

The Examiner disagrees. Guheen teaches the portion of the limitation "includes information extracted exclusively" as follows:

"...**Extract** input data and expected results from the **repository**..." at col. 128, lines 43-44.

"...**Treasuries** have characteristic properties that make them especially useful for the purpose of the present invention and, therefore, are used **exclusively** in the following discussions with the fundamental tenant that the principles may be applied to other types of fixed income securities without departing from the inventive concepts..." at col. 203, lines 26-31.

Treasuries may be viewed as a form of a data repository. Therefore, information may be extracted exclusively from a repository. This suggests that the information could also be extracted exclusively from advertiser Web pages. Since the responses to the first two arguments have shown that independent claims 1 and 28 are anticipated by Guheen, claims 6 and 33 depend on independent claims 1 and 28, respectively, and the response to this argument has shown that Guheen teaches the "extracted exclusively" feature of claims 6 and 33, then Ghueen still anticipates claims 6 and 33.

27. In the sixth argument for claims 10, 11, 13, 14, 37, 38, 40, and 41 on page 18, paragraph 3 and page 19, paragraph 1 the Applicant states:

"Also, dependent claims 10 and 37 further recite how the act of (or means for) retrieving at least one advertisement uses Web page identifiers included in the search results. Dependent claims 11 and 38 recite that the Web page identifiers are used as lookup

keys to a database of advertisement information. These features advantageously allow advertisements to be targeted without the need of having advertisers enter targeting information, such as keyword targeting information. (See, e.g., dependent claims 13, 14, 40 and 41.) The Examiner again parses this recitation, and contends, these features are described at various unrelated sections of the Guheen patent. These features are not taught by the cited sections of the Guheen patent. Accordingly, claims 10, 11, 13, 14, 37, 38, 40 and 41 are not anticipated by the Guheen patent for at least this additional reason."

The Examiner disagrees. The Applicant makes a general statement that these features are not taught by the Guheen patent, but provides no specifics. The Examiner would gladly show how this art is related if more detail were provided in the argument. Since the responses to the first two arguments have shown that independent claims 1 and 28 are anticipated by Guheen, claims 10, 11, 13, and 14 depend on independent claim 1, 37, 38, 40, and 41 depend on independent claim 28, and no specific argujents have been provided for any of these claims then Guheen still anticipates claims 10, 11, 13, 14, 37, 38, 40, and 41.

28. In the seventh argument for independent claim 23 on page 19, paragraph 2 the Applicant states:

"Independent claim 23 is not anticipated by the Guheen patent because the Guheen patent does not teach both a first index including information derived from Web pages of the World Wide Web, and a second index including information derived exclusively from Web pages of advertisers. With regard to the second index, the Examiner cites sections of the Guheen patent that concern media content management, displaying ads with items being displayed for purchase, and links to Webpages in discussion forums and newsgroups. None of these sections teach a second index with the particular features recited in claim 23. Accordingly, claim 23 is not anticipated by the Guheen patent for at least this reason."

The Examiner disagrees. Independent claim 23 is very general and could be anticipated by many different sources of prior art. Guheen teaches the limitation "second index including information derived exclusively from Web pages of advertisers" as follows:

"...Methods for storing and managing media content range from simple folder management techniques to multimedia digital asset management systems, capable of **indexing** and manipulating numerous multimedia data types..." at col. 80, lines 18-21.

"...**Links** to **web pages** for easy access to published documents..." at col. 207, lines 44-45.

"...Along with the items being displayed for purchase, or on a subsequent **page or pages, advertisement information** which relates to at least one of the items displayed for purchase are displayed in operation 1903..." at col. 189, lines 28-31.

Indexes are a well-known method of providing links. Guheen provides links to pages in an Internet environment, which would most likely be web pages. The indicated pages contain advertisement information. Therefore, when combined these citations anticipate the limitation.

29. In the eighth argument for independent claim 23 on page 19, paragraph 3 and page 20, paragraph 1 the Applicant states:

"Before moving on to address the 103-based rejections, the applicant would like to respectfully, yet emphatically, reiterate a fundamental flaw in the Examiner's 102-based rejections of the claims. That is, the Examiner has parsed the claim elements to such an extent that the context and relationships in the claimed invention is lost. This parsing does not obviate the Examiner's need to find all of the claimed recitations **arranged as in the claim**. As stated above, the law clearly prohibits the Examiner's **picking, choosing and combining various snippets, not directly related to each other** by the teachings of the Guheen patent. Accordingly, the applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection."

The Examiner disagrees. This is essentially a restatement of the second argument. The response to the second argument relating to independent claim 1 is equally valid for this response to independent claim 23. The responses to third, fourth, and seventh arguments, which show that the citations used are directly related and when combined these citations anticipate the independent claims.

30. In the ninth argument for claims 9 and 36 on page 20, paragraph 2 the Applicant states:

"The Examiner concedes that the Guheen patent does not teach scoring, using at least the search result scores and further using at least one of (1) ad performance information, (2) ad price information (3) advertiser quality information, and (4) user information, at least some of the retrieved at least one advertisement. To compensate for this admitted deficiency, the Examiner relies on the Peckover patent. Even assuming, arguendo, that the Peckover patent includes such a teaching and that one of ordinary skill in the art would have been motivated to combine the purported teaching of the Peckover patent with the Guheen patent as proposed by the Examiner, the proposed combination still would not compensate for the deficiencies of the Guheen patent with respect to claims 1 (and 7) and 28 (and 34), discussed above. Accordingly, claims 9 and 36 are not rendered obvious by the Guheen and Peckover patents for at least this reason."

The Examiner disagrees. The responses to the second, third, fourth, seventh, and eighth arguments has shown that there are no deficiencies of the prior art cited in the Guheen patent, which show that Guheen anticipated the independent claims of this patent application. There is no reason or requirement for citations in Peckover to render obvious these independent claims since Guheen has already anticipated these independent claims.

Conclusion

31. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harold E. Dodds, Jr. whose telephone number is (571)-272-4110. The examiner can normally be reached on Monday - Friday 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571)-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harold E. Dodds, Jr.

Harold E. Dodds
Patent Examiner
November 15, 2005

GRETA ROBINSON
PRIMARY EXAMINER